



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

VINIK et al.

Application Serial No.: 09/659,379

Filed: September 8, 2000

)  
) Attorney Docket No. 05126.00003  
)  
) Group Art Unit: 1653  
)  
) Examiner: H. ROBINSON  
)

For: HIGH LEVEL OF EXPRESSION OF INGAP IN BACTERIAL  
AND EUKARYOTIC CELLS

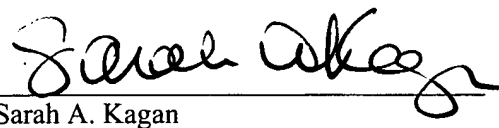
SUBMISSION OF SUPPLEMENTAL REISSUE DECLARATION

Box REISSUE  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submitted a reissue declaration on September 8, 2000, that included alterations by the third inventor to correct the residence address, but such changes were not initialed and/or dated. Applicants submit herewith a signed and dated supplemental reissue declaration with the third inventor's correct residence address. No fee is believed due to make this submission filed timely. If any fees are due please charge our Deposit Account No. 19-0733.

Respectfully submitted,

By:   
Sarah A. Kagan  
Reg. No. 32,141

Dated: April 30, 2002

Banner & Witcoff, LTD.  
Eleventh Floor  
1001 G Street, N.W.  
Washington, D. C. 20001-4597  
(202) 508-9100

RECEIVED  
MAY 06 2002  
TECH CENTER 1600/2900

RECEIVED  
MAY 07 2002  
TECH CENTER 1600/2900



## DECLARATION FOR REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **HIGH LEVEL OF EXPRESSION OF INGP IN BACTERIAL AND EUKARYOTIC CELLS**

the specification of which

is attached hereto.

■ was filed on September 8, 2000 as Application Serial Number 09/659,379 and was amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial Number | Date of Filing<br>(Day, Month, Year) | Status — Patented,<br>Pending, Abandoned |
|---------------------------|--------------------------------------|--|
| 08/794,096                | 30 October 1996                      | abandoned                                |
|                           |                                      |  |
|                           |                                      |  |

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100

RECEIVED  
MAY 06 2002  
TECH CENTER 1600/2900

RECEIVED  
MAY 07 2002  
TECH CENTER 1600/2900

(1) We believe that the original patent which issued on this application, U.S. 5,804,421, is wholly or partially inoperative or invalid by reason of the patentee claiming less than it had the right to claim and because of defects in the specification as detailed below:

- Dependent claims 7 and 8 improperly refer to an additional element (a promoter sequence) which is in actuality already recited in independent claim 1 (as a transcriptional initiation site); therefore the promoter sequence is not an additional element;
- Applicants claimed less than they were entitled to claim in failing to claim oligonucleotide primers for amplifying the mature INGAP coding sequence;
- Applicants claimed less than they were entitled to claim in failing to claim a method of forming an expression construct for producing INGAP.

(2) All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intent on the part of the applicants.

(3) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys who are all members of the Bar of the District of Columbia, their registration numbers being listed after their names:

Donald W. Banner, Registration No. 17,037; Edward F. McKie, Jr., Registration No. 17,335; William W. Beckett, Registration No. 18,262; Dale H. Hoscheit, Registration No. 19,090; Joseph M. Potenza, Registration No. 28,175; James A. Niegowski, Registration No. 28,331; Joseph M. Skerpon, Registration No. 29,864; Thomas L. Peterson, Registration No. 30,969; Nina L. Medlock, Registration No. 29,673; William J. Fisher, Registration No. 32,133; Thomas H. Jackson, Registration No. 29,808; Sarah A. Kagan, Registration No. 32,141; Patricia E. Hong, Registration No. 34,373; Robert S. Katz, Registration No. 36,402; Brian E. Hanlon, Registration No. 40,449, and Lisa M. Hemmendinger, Registration No. 42,653.

All correspondence and telephone communications should be addressed to: Banner & Witcoff, Ltd., Eleventh Floor, 1001 G Street, N.W., Washington, D.C. 20001-4597, telephone number (202) 508-9100, which is also the address and telephone number of each of the above listed attorneys.

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100

RECEIVED

MAY 06 2002

TECH CENTER 1600/2900

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of  
First Inventor VINIK, Aaron I.  
Family Name First Given Name Second Given Name

Residence 40 Rader Street # 603, Norfolk, VA 23510

Citizenship U.S.  
Post Office  
Address (Same as above)

RECEIVED

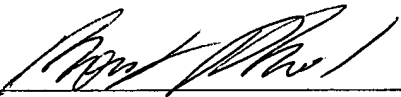
MAY 07 2002

TECH CENTER 1600/2900

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of  
Second Inventor PITTENGER, Gary L.  
Family Name First Given Name Second Given Name

Residence 3701 Prince Andrew Lane, Virginia Beach, VA 23452

Citizenship U.S.  
Post Office  
Address (Same as above)

Signature  Date 4/9/02  
Full Name of  
Third Inventor RAFAELOFF-PHAIL, Ronit  
Family Name First Given Name Second Given Name

Residence 15416 Heath Circle, Westfield, IN 46074

Citizenship Israel  
Post Office  
Address (Same as above)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of  
Fourth Inventor BARLOW Scott W.  
Family Name First Given Name Second Given Name

Residence 1634 E. Ocean View Avenue, #3C Norfolk, VA 23503

Citizenship Canadian  
Post Office  
Address (Same as above)

316590\_1

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100